

Amendment
Serial No.09/989,251

Docket No.PHNL000655

REMARKS

Claims 1-3 and 6-10 stand rejected under 35 U.S.C. 103 as being unpatentable over U.S Patent No. 5,754,248 (Faroudja) in view of U.S. Patent No. 6,600,517 (He et al.). Claims 1 and 7 are independent.

Applicants note that effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art if that subject matter and the claimed invention were at the time the invention was made commonly owned (see MPEP 706.02(k)).

He et al. and the current application are commonly owned. In addition, He et al. has a filing date of August 16, 2000 and was issued on July 29, 2003. The current application has a filing date of November 20, 2001. Accordingly, He et. al. is subject matter that was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) and is now disqualified as prior art.

Accordingly, with the disqualification of He et. al. as effective prior art, Applicants respectfully submit that the pending claims are patentable.

A review of the other art of record has failed to reveal anything which, in the applicants' opinion, would remedy the deficiencies of the art discussed above as referenced against the claims now present in this application. The claims are, therefore, believed patentable over the art of record.


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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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